<u>REMARKS</u>

Claims 31-41, 50, 52-55, and 60-77 are pending in the present application. No claims are amended, added or cancelled herein. Applicant notes with appreciation the removal of the provisional double patenting rejection pending review of applicant's terminal disclaimer. The remarks below support applicant's assertion that all claims pending in this application are patentably distinct from the cited prior art, and are therefore in condition for allowance.

Please note that the Office Action Summary (PTOL-326) and paragraph 6 of the Detailed Action state that claims 31-77 are pending and rejected in the present application. In fact, claims 31-41, 50, 52-55, and 60-77 were actually pending in the present application at the time of mailing of the Office Action. Claims 42-49, 51, and 56-59 were cancelled in a response filed December 30, 2005 by applicant. Accordingly, applicant will refer to claims 31-41, 50, 52-55, and 60-77 in the following remarks.

<u>35 U.S.C. § 103</u>

All claims (31-41, 50, 52-55, and 60-77) stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Wolfe (USP 6,006,252) in view of Ko et al. (USP 6,292,185). Applicant argues below that neither Wolfe nor Ko teach or suggest, as part of a method for presenting Internet content, acquiring that Internet content without use of a web browser program, and that since applicant's claims contain just such a limitation, the claims distinguish over the proposed combination of cited references.

In applicant's last response, applicant asserted that while Wolfe discusses <u>rendering</u> content by an application or the like without requiring a web browser program to do so, applicant

asserts that a web browser must be present and operating in order to <u>acquire</u> such content for display. This assertion was not considered persuasive, as the Examiner has stated that:

> [P]rograms 1525 or 1535 do not require the use of the Web browser program to retrieve the supplemental content (i.e. claimed first internet content). The programs can access the network connection or stack directly in order to analyze the information passed over the network to determine the information needed to provide the supplemental content (Wolfe: col. 8, lines 50-60).

With respect, applicant asserts that this is not what Wolfe states, particularly the section cited by the Examiner. Rather, applicant asserts that the cited section of Wolfe states that while a browser can <u>identify</u> a retrieved document, other non-browser programs can also perform this <u>identification</u> function. However, according to Wolfe, a browser is still required to initially <u>retrieve</u> the document.

Wolfe, in the paragraph beginning at line 49 of column 8, discusses several embodiments for informing computer programs 1525 and 1535 of the identity of documents presented to a user. This is done, for example, so that programs 1525 and 1535 may determine if additional inform related to those documents is elsewhere available which may be retrieved and made available to the user. However, in the first of such embodiments, described at lines 49-52 of column 8, programs 1520 and 1530 inform programs 1525 and 1535 of the document identity.

> In Figs. 11 to 14, the programs 1525 and 1535 may be informed of the identity of the document presented to the user by the programs 1520 and 1530 through interprocess communication.

However, programs 1520 and 1530 are both browser programs. Hence in the embodiment referred to in lines 49-52, there can be no questioning the fact that a web browser is present and operating.

In the second embodiment for informing computer programs 1525 and 1535 of the identity of documents presented to a user, described in lines 52-59 of column 8, programs 1525 and 1535 may access the network connection or network stack directly to identify the documents. However, programs 1525 and 1535 are doing only that – analyzing the document (in the form of information or packets being passed over the network).

> It may be appropriate in other embodiments, however, for the program 1525 (or
> the program 1535) to access the network connection or network stack or
> operating system software directly, and analyze the information or packets being
> passed over the network. (Col. 8, lines 53-56.)

However, the "information or packets being passed over the network" represent documents retrieved from the Internet via a request initiated by a web browser program (1520 or 1530), as described at column 8, lines 33-36. See also, Fig. 12, step 1550, and Fig. 14, step 1572 ("browser sends a request to server 1504 for a particular document", emphasis added).

The remainder of the paragraph cited by the Examiner is about analyzing, not retrieving documents. For example,

> The data on the network may need to be analyzed and/or decoded to decipher
> the necessary information about the identity of the document presented to the
> user. It should be understood that any known or hereafter developed technique
> for identifying the content being presented to the user could be used, and such

techniques may also be applicable to the present invention. The present invention need not be limited to the <u>interprocess communication techniques</u> described in connection with FIGS. 11 to 14. (Col. 8, lines 56-65, emphasis added.)

Noteworthy in the above is that nowhere in this paragraph does Wolfe teach or suggest that Internet content may be <u>obtained</u> without use of a Web browser program.

Therefore, the Wolfe reference does not teach or suggest the limitation of <u>obtaining</u> content independent of the web browser, as claimed at line 3 of claims 31, 50, 62, and line 5 of claim 76. Nor does Wolfe teach or suggest the similar limitation of "instructions operable to cause said content data <u>to be obtained</u> and said frame to be rendered on a general purpose computer independent of a Web browser program" (claim 70, lines 8-9).

While it is not asserted in the Office Action that Ko teaches or suggests obtaining content independent of a web browser, to be thorough applicant points out that Ko also fails to teach such a limitation. The thrust of Ko is to obtain special code for customizing a web browser's appearance. Critically, "when viewing the web page (content), the web browser appearance is to be customized." (Ko, col. 3, lines 60-63). That is, the content is obtained and displayed using a web browser program, while the appearance of the window of that program is customizable.

It is without question that to establish <u>prima facie</u> obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. <u>In re Royka</u>, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). However, none of the references teach or suggest all of the limitations of the above-cited independent claims – missing from those references is the limitation of obtaining Internet content without use of a Web browser. As such a limitation is

neither taught nor suggested by the references when considered alone, it must logically also be missing from the combination of those references. Therefore, applicant asserts that since the cited references taken alone and in combination fail to disclose each limitation of claims 31, 50, 62, 70, and 76, that those claims are not prima facie obvious in light of the combination of Wolfe and Ko, and that those claims are patentable over that combination of references.

In addition, claims 32-41 each depend, directly or indirectly, on claim 31, claims 52-55, and 60-61 each depend, directly or indirectly, on claim 50, claims 63-69 each depend, directly or indirectly, on claim 62, claims 71-75 each depend, directly or indirectly, on claim 70, and claim 77 depends directly on claim 76. Therefore, each dependent claim contains all limitations of the respective independent claim from which it depends. As the combination of the cited references fails to teach all elements of independent claims 31, 50, 62, 70, and 76 and thus fail to render those claims prima facie obvious, for the same reasons the combination must also fail to teach all elements of dependent claims 32-41, 52-55, 60-61, 63-69, 71-75, and 77, and thus fail to render those claims prima facie obvious. Applicant therefore requests reconsideration and removal of the rejections, and allowance of all claims 31-41, 50, 52-55, and 60-77 currently pending in this application.

Note Regarding Power of Attorney

Please note that on December 21, 2007, applicant submitted a new Power of Attorney, revoking all prior Powers of Attorney and naming the undersigned as attorney in the present matter (copy submitted herewith). Importantly, as part of that Power of Attorney, the mailing address was to be changed to that associated with Customer Number 43785, currently:

JAS IP Consulting
309 2nd Street, Suite 8
Los Altos, CA 94022

However, as of the submission date of this reply, the PAIR records for the subject case continue to reflect the prior law firm's mailing address. This resulted in the Office Action being sent to the wrong address, resulting in an almost 4 month delay in the undersigned becoming aware of the Office Action, and the consequent need for an extension of time to respond (requested with this filing). The undersigned respectfully requests that the Examiner assist with applicant's efforts to have the PTO records updated to reflect the proper attorney of record and mailing address so that no further delays in processing of this case occur.

Conclusion

For the foregoing reasons, the present application is in condition for allowance. Accordingly, favorable reconsideration of all claims and issuance of a formal Notice of Allowance for this application in light of the remarks provided above is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art. Furthermore, distinctions between the claims and cited references in addition to those made herein may exist.

Thus, applicant also reserves the right to highlight some or all of those additional distinctions at a later date, if appropriate.

If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

Respectfully submitted,

/Jonathan A. Small/

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